

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BBL CONSTRUCTION SERVICES, LLC,

Plaintiff,

v.

No. 06-CV-386
(LEK/DRH)

CIP CONCRETE, INC., et al.,

Defendant.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above captioned case have reported to him that the case has been settled. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED that:

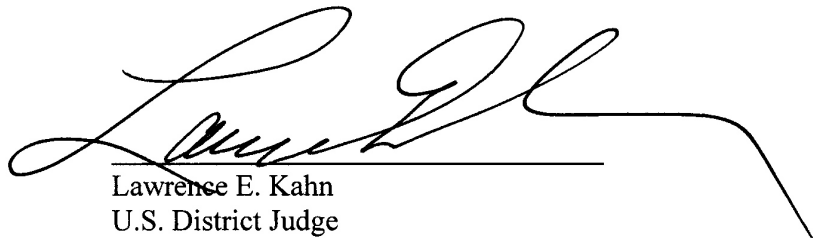
1. The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within sixty (60) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above captioned case shall become **with prejudice** on the sixty-first day after the date of the filing of this order unless any party moves to re-open this case within sixty (60) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve by regular mail copies of this Judgment upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED.

DATED: October 06, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge